



POLICY & PROCEDURE DOCUMENT

NUMBER: 1.1500

DIVISION: Academic Affairs

TITLE: Consulting, Outside Employment and Other Professional Activities

DATE: July 1, 2024

REVISED:

Policy for: All Full-time Faculty and Administrators with Faculty Rank

Authorized by: Robert Fischer, Provost and Vice President for Academic Affairs

I. Purpose and Scope

The purpose of this policy is to establish as an integral part of the Western Kentucky University (WKU) culture a means by which faculty may participate in professional consulting, service, and outside employment activities while ensuring that the interests of the University are protected. Consulting and other employment activities must not create a conflict of commitment or a conflict of interest with an employee's obligations to WKU.

II. Definitions

- A. External Consulting and Other Professional Activities: Consulting and other professional activities are defined as services related to one's academic discipline provided by a WKU employee to an external organization or individual (entity other than WKU or subunit thereof) for a salary or fee. This definition also includes services performed by a WKU employee without payment of a fee but involving considerable commitment of time.
- B. Internal Consulting: Internal consulting is defined as being engaged in intra-University consulting and service activities while serving as a full-time employee of WKU. Such activities provide the opportunity for individual professional development.
- C. Outside Employment: Outside employment is defined as performing services for compensation with an employer other than WKU. For faculty this may include teaching for another institution outside of one's discipline.

- D. Conflict of Commitment: Arises when time dedicated to consulting or outside employment has the potential to interfere with faculty members' primary responsibilities to WKU (teaching, scholarly/creative work, service).
- E. Conflict of Interest: Arises when consulting or outside employment create a risk that faculty members' secondary interest, may unduly influence faculty members' primary responsibilities to WKU (teaching, scholarly/creative work, service). Teaching at another institution within one's discipline during the academic year is typically considered a conflict of interest.

III. Policy

In order that potential conflicts of commitment and conflicts of interest associated with consulting, service, and outside employment activities might be avoided, WKU faculty and administrators with faculty rank are required to make full disclosures to their department chair/director, dean, or supervisor and Office of the Provost via the Consulting, Outside Employment and Other Professional Activities Form.

A. External Consulting

1. During any approved consulting or other professional activities, employees are expected to continue to perform their usual duties and responsibilities without adverse effects or conflict of commitment.
2. In the performance of any consulting or other professional activities, there shall be no conflict of interest with the University or the individual employee's usual duties and responsibilities.
3. Consulting and other professional activities may, by nature, require limited use of University supplies, materials, and equipment. Faculty or administrators with faculty rank engaged in consulting or other professional activities must also disclose their intent to utilize University resources and gain approval from their department chair/director and dean concerning the use of University resources.
4. Faculty whose annual working appointments are for a period of nine or ten months are provided up to four (4) working days per full calendar month for participation in activities covered by this policy during their annual appointment. For individuals holding a nine- or ten-month annual appointment who assume full-time summer session responsibilities with the University, one additional day per full calendar week employed during the summer session is available to participate in activities covered by this policy.
5. Faculty and administrators with faculty rank who receive annual appointments of 11 or 12 months are allowed up to four (4) working days in the calendar month to participate in the activities covered by this policy. Because of the importance of persons holding executive, administrative, and managerial positions to the daily operation of the University, these persons are urged to limit such activities to periods when the University is not in session and their services are less likely to be required.

B. Internal Consulting

1. It is the policy of the University that incidental internal consulting is normally considered

to be included in the base pay of faculty, professional non-faculty, executive, administrative, and managerial personnel. Additional or supplemental compensation is allowable in those unusual cases when all of the following circumstances exist:

- a. Services are performed in addition to those associated with the person's salaried employment.
 - b. Services are provided across departmental/unit lines.
 - c. Prior approval of the Dean or Provost has been obtained.
2. The rate of compensation for internal University consulting must be consistent with the fee or rate that normally would be paid to persons from outside the University with equivalent credentials who would provide the same services. In setting the rate of compensation, careful consideration must be given to possible sources of documentation that will indicate that the fee recommended for the faculty member is not more than that charged by external consultants.

C. Outside Employment

1. Responsibilities and duties performed by faculty members with an employer other than WKU, shall in no way create a conflict of interest with the University's interests.
2. All WKU employees are expected to continue to perform their usual duties and responsibilities without adverse effect or conflict of commitment due to employment with employers other than WKU.
3. University owned resources may not be used in the performance of employment with employers other than WKU.
4. Faculty whose annual working appointments are for a period of nine or ten months are provided up to four (4) working days per full calendar month for participation in activities covered by this policy during their annual appointment. For individuals holding a nine- or ten-month annual appointment who assume full-time summer session responsibilities with the University, one additional day per full calendar week employed during the summer session is available to participate in activities covered by this policy.
5. Faculty and administrators with faculty rank who receive annual appointments of 11 or 12 months are allowed up to four (4) working days in the calendar month to participate in the activities covered by this policy. Because of the importance of persons holding executive, administrative, and managerial positions to the daily operation of the University, these persons are urged to limit such activities to periods when the University is not in session and their services are less likely to be required.

IV. Procedure

A. External Consulting and Outside Employment

1. Faculty must report external consulting activities and outside employment via the Consulting, Outside Employment and Other Professional Activities form as provided

by the university at least one month before the consulting or outside employment agreement is to commence. Ongoing external consulting or outside employment should be reported annually unless there is a change in the time commitment or a substantive change in the work; the form should be resubmitted in these instances.

2. The variety of outside employment and external consulting situations available to the faculty member and the potential of these activities to detract from the services committed to the University require each applicant and their supervisor to carefully examine each opportunity on an individual basis.
3. When activities covered by this policy are of a continuous or prolonged nature (one semester or more) or when a faculty member requests participation in more than one such activity during an academic term, careful consideration must be given to the proposed schedule of services as they relate the faculty member's responsibilities. Any long-term involvement is subject to periodic review by the dean/provost, and a request for approval must be filed at least annually (preferably at the start of each academic year). The frequency and duration of external consulting and outside employment professional activities shall be the primary considerations in the review process.
4. Department chairs/directors, in consultation with deans, determine whether external consulting or outside employment creates a conflict of commitment or interest. Faculty may appeal a decision to the Provost as part of the informal phase of a Grievance for a final determination, with the option to file a formal grievance. (See section VIII of the Faculty Handbook).

B. Internal Consulting

1. All requests for advance approval of internal consulting must be submitted in writing to the administrative unit chair/director and forwarded to the appropriate dean.
2. Supplementary pay for responsibilities accepted that relate to the program and operation of a departmental unit during the summer term is covered under other policies and procedures.
3. Except as cited above, all other supplemental pay, including that for participation in funded projects, shall be processed as a part of the regular payroll distribution system (including appropriate withholding and University contributions). For faculty members who participate in projects funded by a state, federal, or other external agency, prior approval of the University must be obtained through the established administrative channels.
4. When considering requests for involvement in activities for which supplemental pay will be provided, the faculty member and each administrator must carefully examine the extent of the involvement in view of other University responsibilities, extra-University consulting, and other professional activities. In the event that the total professional involvement of the participant will equal or exceed the normal University load by 25 percent over a period of any one semester, an adjustment in workload will be made or the request will be denied. In either event, a written justification will be forwarded to the Provost for final consideration. A record of action and

justification will be placed in the employee's personnel file.

V. Exclusions

Excluded from this policy are occasional consulting or other professional engagements which are of brief duration and nature and do not conflict with the spirit or intent of this policy. Such activities include:

- A. One-time activities or services to organizations other than the University, including but not limited to participation on agency proposal review panels; site visit teams' voluntary services to professional organizations; delivery of occasional lectures or seminars at other institutions; office or telephone consultations of a brief duration or nature; reading and evaluation of manuscripts or writing reviews; and serving as an expert witness or rendering of professional opinions in depositions.

Since consulting activities may be a component of faculty evaluation in the area of public service, it is the responsibility of the individual employee to report consulting activities to the chair/director regarding involvement in such occasional and incidental services. Whenever in doubt, the employee should report that activity to their supervisor.

- B. Outside summer consulting and employment activities by nine- or ten-month faculty members who have no summer term work responsibilities and who seek to participate in such activities during the period after spring commencement and prior to the beginning of the ensuing fall term.
- C. Teaching at another institution within one's discipline by nine- or ten-month faculty members who have no summer term work responsibilities during the summer term is not considered a conflict of interest. See Policy 1.209X Faculty Workload to address questions about conflicts of commitment.
- D. University fellowships involving work for the University (i.e., Center for Innovative Teaching and learning fellowships, Living and Learning Community mentorship, etc.).

VI. Related Policies

4.4500 Consulting, Outside Employment and Other-Professional Activities: Non-Faculty

VII. Reason for Revision

This new policy was created to focus on Consulting, Outside Employment and Other Professional Activities for faculty as opposed to all WKU faculty.